

ANTI-DISCRIMINATION CENTER, INC.

“One Community, No Exclusion”

February 10, 2023

Hon. Laura Taylor Swain
Chief Judge, U.S. District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Pending motions
Noel and Senat v. City of New York, 15-CV-5236 (LTS) (KHP)

Your Honor:

Plaintiffs’ motion for partial summary judgment and defendant’s “cross-motion” for summary judgment were fully briefed and submitted to the Court as of March 8, 2021.

During the nearly two years since that time, defendant has continued its outsider-restriction policy. There have been more than 100 lotteries completed or in process with a “community preference” component. Those lotteries encompass well over 11,000 apartments.¹ That means, first, that “insiders” directly got priority over “outsiders” for more than another 5,500 units. As for the other 5,500-plus units, “outsiders” faced the prospect of the other disadvantages of being pushed to the back of the line, including the risk that, by the time they were contacted, an apartment of the size that they required or in the affordability-range they needed may no longer have been available.

The point made by the Lawyers’ Committee for Civil Rights Under Law in its January 2021 *amicus* brief in support of plaintiffs’ motion remains true today: the stakes in this litigation are enormous. “[T]he positions urged on this Court by Defendant City of New York . . . would not only deprive the Plaintiffs (and hundreds of thousands of other New York City households) of their fair housing rights, but would, if accepted, also deal devastating blows to the ability of anyone in the United States to vindicate the rights guaranteed them by the FHA.” ECF 935, at 2.

Respectfully submitted,

Craig Gurian

Craig Gurian
Co-Counsel for Plaintiffs

¹ See addendum on the pages that follow.

Lotteries with outsider-restriction component and application deadline after 3/8/21

ID	URL	Application Deadline	Lottery Units
1815	https://housingconnect.nyc.gov/PublicWeb/details/1815	04/05/21	35
2029	https://housingconnect.nyc.gov/PublicWeb/details/2029	04/09/21	94
1988	https://housingconnect.nyc.gov/PublicWeb/details/1988	04/12/21	89
2011	https://housingconnect.nyc.gov/PublicWeb/details/2011	04/14/21	351
1959	https://housingconnect.nyc.gov/PublicWeb/details/1959	04/20/21	101
2053	https://housingconnect.nyc.gov/PublicWeb/details/2053	04/26/21	126
2021	https://housingconnect.nyc.gov/PublicWeb/details/2021	04/27/21	156
2066	https://housingconnect.nyc.gov/PublicWeb/details/2066	05/07/21	3
2008	https://housingconnect.nyc.gov/PublicWeb/details/2008	05/11/21	9
2163	https://housingconnect.nyc.gov/PublicWeb/details/2163	06/01/21	9
2127	https://housingconnect.nyc.gov/PublicWeb/details/2127	06/08/21	106
2078	https://housingconnect.nyc.gov/PublicWeb/details/2078	06/16/21	124
2116	https://housingconnect.nyc.gov/PublicWeb/details/2116	06/18/21	79
2009	https://housingconnect.nyc.gov/PublicWeb/details/2009	06/25/21	41
2088	https://housingconnect.nyc.gov/PublicWeb/details/2088	07/13/21	101
2223	https://housingconnect.nyc.gov/PublicWeb/details/2223	07/21/21	15
2139	https://housingconnect.nyc.gov/PublicWeb/details/2139	07/29/21	45
2132	https://housingconnect.nyc.gov/PublicWeb/details/2132	08/09/21	26
2195	https://housingconnect.nyc.gov/PublicWeb/details/2195	08/09/21	175
2204	https://housingconnect.nyc.gov/PublicWeb/details/2204	08/16/21	400
2161*	https://housingconnect.nyc.gov/PublicWeb/details/2161	08/24/21	1
2216	https://housingconnect.nyc.gov/PublicWeb/details/2216	08/25/21	55
2241	https://housingconnect.nyc.gov/PublicWeb/details/2241	08/25/21	254
2226	https://housingconnect.nyc.gov/PublicWeb/details/2226	08/30/21	40
2188	https://housingconnect.nyc.gov/PublicWeb/details/2188	09/13/21	534
2230	https://housingconnect.nyc.gov/PublicWeb/details/2230	10/01/21	32
2276	https://housingconnect.nyc.gov/PublicWeb/details/2276	10/04/21	281
2266	https://housingconnect.nyc.gov/PublicWeb/details/2266	10/25/21	35
2202**	https://housingconnect.nyc.gov/PublicWeb/details/2202	11/15/21	42
2384	https://housingconnect.nyc.gov/PublicWeb/details/2384	11/16/21	264
2321	https://housingconnect.nyc.gov/PublicWeb/details/2321	11/23/21	30
2349	https://housingconnect.nyc.gov/PublicWeb/details/2349	12/03/21	24
2400	https://housingconnect.nyc.gov/PublicWeb/details/2400	12/08/21	247
2324	https://housingconnect.nyc.gov/PublicWeb/details/2324	12/14/21	69
2301	https://housingconnect.nyc.gov/PublicWeb/details/2301	12/20/21	36
2391	https://housingconnect.nyc.gov/PublicWeb/details/2391	12/20/21	137
2447	https://housingconnect.nyc.gov/PublicWeb/details/2447	01/04/22	17
2297	https://housingconnect.nyc.gov/PublicWeb/details/2297	01/13/22	41
2441	https://housingconnect.nyc.gov/PublicWeb/details/2441	01/17/22	270
2450	https://housingconnect.nyc.gov/PublicWeb/details/2450	01/18/22	59
2499	https://housingconnect.nyc.gov/PublicWeb/details/2499	02/07/22	353

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2525	https://housingconnect.nyc.gov/PublicWeb/details/2525	02/10/22	201
2551	https://housingconnect.nyc.gov/PublicWeb/details/2551	02/10/22	119
2577	https://housingconnect.nyc.gov/PublicWeb/details/2577	02/17/22	59
2490	https://housingconnect.nyc.gov/PublicWeb/details/2490	02/19/22	24
2524	https://housingconnect.nyc.gov/PublicWeb/details/2524	02/21/22	164
2563	https://housingconnect.nyc.gov/PublicWeb/details/2563	02/21/22	692
2294	https://housingconnect.nyc.gov/PublicWeb/details/2294	02/25/22	324
2492	https://housingconnect.nyc.gov/PublicWeb/details/2492	03/16/22	48
2475	https://housingconnect.nyc.gov/PublicWeb/details/2475	03/24/22	31
2501	https://housingconnect.nyc.gov/PublicWeb/details/2501	04/01/22	48
2671	https://housingconnect.nyc.gov/PublicWeb/details/2671	04/02/22	219
2313	https://housingconnect.nyc.gov/PublicWeb/details/2313	04/04/22	205
2601	https://housingconnect.nyc.gov/PublicWeb/details/2601	04/05/22	117
2684	https://housingconnect.nyc.gov/PublicWeb/details/2684	04/11/22	277
2571	https://housingconnect.nyc.gov/PublicWeb/details/2571	04/15/22	16
2585	https://housingconnect.nyc.gov/PublicWeb/details/2585	04/18/22	28
2597	https://housingconnect.nyc.gov/PublicWeb/details/2597	04/18/22	89
2655	https://housingconnect.nyc.gov/PublicWeb/details/2655	04/19/22	125
2663	https://housingconnect.nyc.gov/PublicWeb/details/2663	04/19/22	37
2484	https://housingconnect.nyc.gov/PublicWeb/details/2484	04/20/22	26
2848	https://housingconnect.nyc.gov/PublicWeb/details/2848	05/18/22	6
2775	https://housingconnect.nyc.gov/PublicWeb/details/2775	05/20/22	50
2708	https://housingconnect.nyc.gov/PublicWeb/details/2708	05/23/22	20
2855	https://housingconnect.nyc.gov/PublicWeb/details/2855	05/31/22	6
2610	https://housingconnect.nyc.gov/PublicWeb/details/2610	06/21/22	44
2849	https://housingconnect.nyc.gov/PublicWeb/details/2849	06/27/22	225
2750	https://housingconnect.nyc.gov/PublicWeb/details/2750	07/01/22	15
2760	https://housingconnect.nyc.gov/PublicWeb/details/2760	07/01/22	185
2783	https://housingconnect.nyc.gov/PublicWeb/details/2783	07/07/22	80
2959	https://housingconnect.nyc.gov/PublicWeb/details/2959	08/01/22	268
2821	https://housingconnect.nyc.gov/PublicWeb/details/2821	08/05/22	57
2889	https://housingconnect.nyc.gov/PublicWeb/details/2889	08/09/22	235
2977	https://housingconnect.nyc.gov/PublicWeb/details/2977	08/18/22	76
2896	https://housingconnect.nyc.gov/PublicWeb/details/2896	08/24/22	24
3065	https://housingconnect.nyc.gov/PublicWeb/details/3065	08/26/22	10
2847	https://housingconnect.nyc.gov/PublicWeb/details/2847	08/30/22	32
2838	https://housingconnect.nyc.gov/PublicWeb/details/2838	09/10/22	35
3007	https://housingconnect.nyc.gov/PublicWeb/details/3007	09/19/22	224
3069	https://housingconnect.nyc.gov/PublicWeb/details/3069	09/19/22	160
3071	https://housingconnect.nyc.gov/PublicWeb/details/3071	09/28/22	463
2446	https://housingconnect.nyc.gov/PublicWeb/details/2446	10/04/22	23

Lotteries with outsider-restriction component and application deadline after 3/8/21

ID	URL	Application Deadline	Lottery Units
3118	https://housingconnect.nyc.gov/PublicWeb/details/3118	10/12/22	14
3120	https://housingconnect.nyc.gov/PublicWeb/details/3120	10/31/22	43
2932	https://housingconnect.nyc.gov/PublicWeb/details/2932	11/01/22	37
3169	https://housingconnect.nyc.gov/PublicWeb/details/3169	11/07/22	7
3191	https://housingconnect.nyc.gov/PublicWeb/details/3191	11/10/22	19
3157	https://housingconnect.nyc.gov/PublicWeb/details/3157	11/14/22	160
3176	https://housingconnect.nyc.gov/PublicWeb/details/3176	11/21/22	145
3314	https://housingconnect.nyc.gov/PublicWeb/details/3314	11/25/22	38
3229	https://housingconnect.nyc.gov/PublicWeb/details/3229	12/05/22	86
3134	https://housingconnect.nyc.gov/PublicWeb/details/3134	12/12/22	37
3225	https://housingconnect.nyc.gov/PublicWeb/details/3225	12/15/22	25
3154	https://housingconnect.nyc.gov/PublicWeb/details/3154	12/27/22	42
3036	https://housingconnect.nyc.gov/PublicWeb/details/3036	01/03/23	41
3292	https://housingconnect.nyc.gov/PublicWeb/details/3292	01/04/23	199
3244	https://housingconnect.nyc.gov/PublicWeb/details/3244	01/09/23	77
3228	https://housingconnect.nyc.gov/PublicWeb/details/3228	01/10/23	14
3084	https://housingconnect.nyc.gov/PublicWeb/details/3084	01/13/23	72
3218	https://housingconnect.nyc.gov/PublicWeb/details/3218	01/13/23	39
3249	https://housingconnect.nyc.gov/PublicWeb/details/3249	01/30/23	66
3431	https://housingconnect.nyc.gov/PublicWeb/details/3431	02/10/23	122
3285	https://housingconnect.nyc.gov/PublicWeb/details/3285	02/15/23	15
3321	https://housingconnect.nyc.gov/PublicWeb/details/3321	02/20/23	45
3400	https://housingconnect.nyc.gov/PublicWeb/details/3400	03/21/23	53
3399	https://housingconnect.nyc.gov/PublicWeb/details/3399	03/27/23	144
3384	https://housingconnect.nyc.gov/PublicWeb/details/3384	04/03/23	38
3330	https://housingconnect.nyc.gov/PublicWeb/details/3330	04/11/23	27
3427	https://housingconnect.nyc.gov/PublicWeb/details/3427	04/11/23	137
			11,735
	* 100 percent community preference		
	** 40 percent community preference		